

#### REMARKS

This paper is responsive to the Office Action mailed from the Patent and Trademark Office on January 13, 2009, which has a shortened statutory period set to expire April 13, 2009.

Claims 1, 4-10, 16, 17, 19, 21-30, 38, and 47-50 are pending in the above-identified application, and are rejected under 35 USC 103 for the reasons set forth below.

In the current paper, Claims 1 and 10 are amended. No new matter is entered. In view of these amendments and the following remarks, Applicants respectfully request reconsideration and withdrawal of all pending rejections.

### Rejections Under 35 USC 103

#### Rejections over Liu and Wood

Claims 1, 4-10, 16-17, 19, 21-25, 27-28, 30 and 47-48 are rejected under 35 USC 103(a) as being unpatentable over Liu (2001/0052543) in view of Wood (US 5,041,922).

Claims 1 and 10 are amended herein to specify that the data storage device is "bendable" and "compliant with ANSI/ISO/IEC hard disk drive standards". Support for "bendable" is provide on page 100 and is shown in Fig. 74. Support for and the benefit of "hard disk drive standards" is provided, for example, on page 19 (copied in pertinent part below):

None of the known prior art anticipates, discloses, teaches or suggests portable cards including portable data storage cards using a recording medium based standard hard disk drive medium technology with a high coercive force layer using a novel protective layer having a selected thickness and wherein such use occurs outside the disk drive protective enclosure and in natural atmosphere and environment. This invention is clearly new, novel and unobvious to persons skilled-in-the-art for all of the reasons set forth herein.

In contrast to the above-quoted limitation, neither Liu nor Wood suggest "bendable substrate" and "compliant with ANSI/ISO/IEC hard disk drive standards", in combination with the other recited limitations recited in Claims 1 and 10. As such, it would not have been obvious to combine the teachings of these references to produce the structures of Claims 1 and 10.

Claims 4-9 depend from Claim 1, and Claims 16-17, 19, 21-25, 27-28, 30 and 47-48 depend from Claim 10. Each of these claims is believed to be distinguished over the cited prior art for reasons similar to those set forth above with reference to Claims 1 and 10.

#### Rejections over Liu/Wood and Hirasawa

Claims 24 and 25 are rejected under 35 USC 103(a) as being unpatentable over Liu/Wood in view of Hirasawa (US Patent No. 6,250,552).

Claims 24 and 25 depend from Claim 10, and are believed to be distinguished over Liu/Wood for reasons similar to those set forth above with reference to Claim 10, and Hirasawa fails to overcome the deficiencies of Liu/Wood.

#### Rejections over Liu/Wood and Bajorek

Claims 26 and 49 are rejected under 35 USC 103(a) as being unpatentable over Liu/Wood in view of Bajorek (US Patent No. 6,482,330).

Claims 19, 26, 47 and 49 depend from Claim 10, and are believed to be distinguished over Liu/Wood for reasons similar to those set forth above with reference to Claim 10, and Bajorek fails to overcome the deficiencies of Liu/Wood.

#### Rejections over Liu/Wood and Mizoguchi

Claim 29 are rejected under 35 USC 103(a) as being unpatentable over Liu/Wood in view of Mizoguchi (US Patent No. 5,689,105).

Claim 29 depends from Claim 10, and is believed to be distinguished over Davis for reasons similar to those set forth above with reference to Claim 10, and Mizoguchi fails to overcome the deficiencies of Liu/Wood.

#### Rejections over Liu/Wood and Nishiyama

Claim 38 are rejected under 35 USC 103(a) as being unpatentable over Liu/Wood in view of Nishiyama (US Patent No. 5,721,942).

Claim 38 depends from Claim 10, and is believed to be distinguished over Davis for reasons similar to those set forth above with reference to Claim 10, and Mizoguchi fails to overcome the deficiencies of Liu/Wood.

#### Rejections over Liu/Wood and Meeks

Claim 48 is rejected under 35 USC 103(a) as being unpatentable over Liu/Wood in view of Meeks (US Patent No. 6,268,919).

Claim 48 depends from Claim 10, and is believed to be distinguished over Liu/Wood for reasons similar to those set forth above with reference to Claim 10, and Meeks fails to overcome the deficiencies of Liu/Wood.

#### Rejections over Liu/Wood and Foley

Claim 50 is rejected under 35 USC 103(a) as being unpatentable over Liu/Wood in view of Foley (US Patent No. 4,518,627).

Claim 50 depends from Claim 10, and is believed to be distinguished over Liu/Wood for reasons similar to those set forth above with reference to Claim 10, and Foley fails to overcome the deficiencies of Liu/Wood.

#### Rejections over Liu, Wood and Levy

Claims 1, 4-10, 16-17, 19, 21-25, 27-28, 30 and 47-48 are rejected under 35 USC 103(a) as being unpatentable over Liu

(2001/0052543) in view of Wood (US 5,041,922) and Levy (US Patent No. 4,884,507).

Applicants respectfully points out that the Examiner has in effect copied his earlier rejections based on Liu and Wood on pages 10-13, and does not reference Levy until the end of paragraph 2 (page 13). Applicants also point out that the paragraph bridging pages 12 and 13 addresses claim language that was previously deleted from Claim 1. Applicants therefore traverse these rejections for failing to clearly state the rejection in a way that can be addressed.

Nonetheless, as set forth above Claims 1 and 10 are amended herein to recite (in pertinent part) "bendable substrate" and "compliant with ANSI/ISO/IEC hard disk drive standards", and neither Liu nor Wood even remotely suggest these features in combination with the other recited limitations recited in Claims 1 and 10. Levy fails to overcome the deficiencies of Liu/Wood. As such, it would not have been obvious to combine the teachings of these references to produce the structures of Claims 1 and 10.

Claims 4-9 depend from Claim 1, and Claims 16-17, 19, 21-25, 27-28, 30 and 47-48 depend from Claim 10. Each of these claims is believed to be distinguished over the cited prior art for reasons similar to those set forth above with reference to Claims 1 and 10.

#### Rejections over Liu/Wood/Levy and Hirasawa

Claims 24 and 25 are rejected under 35 USC 103(a) as being unpatentable over Liu/Wood/Levy in view of Hirasawa (US Patent No. 6,250,552) and Levy (US Patent No. 4,884,507).

Claims 24 and 25 depend from Claim 10, and are believed to be distinguished over Liu/Wood/Levy for reasons similar to those

set forth above with reference to Claim 10, and Hirasawa fails to overcome the deficiencies of Liu/Wood/Levy.

#### Rejections over Liu/Wood/Levy and Bajorek and Levy

Claims 26 and 49 are rejected under 35 USC 103(a) as being unpatentable over Liu/Wood in view of Bajorek (US Patent No. 6,482,330) and Levy (US Patent No. 4,884,507).

Claims 19, 26, 47 and 49 depend from Claim 10, and are believed to be distinguished over Liu/Wood/Levy for reasons similar to those set forth above with reference to Claim 10, and Bajorek fails to overcome the deficiencies of Liu/Wood/Levy.

#### Rejections over Liu/Wood/Levy and Mizoguchi and Levy

Claim 29 are rejected under 35 USC 103(a) as being unpatentable over Liu/Wood/Levy in view of Mizoguchi (US Patent No. 5,689,105) and Levy (US Patent No. 4,884,507).

Claim 29 depends from Claim 10, and is believed to be distinguished over Davis for reasons similar to those set forth above with reference to Claim 10, and Mizoguchi fails to overcome the deficiencies of Liu/Wood/Levy.

#### Rejections over Liu/Wood/Levy and Nishiyama and Levy

Claim 38 are rejected under 35 USC 103(a) as being unpatentable over Liu/Wood/Levy in view of Nishiyama (US Patent No. 5,721,942) and Levy (US Patent No. 4,884,507).

Claim 38 depends from Claim 10, and is believed to be distinguished over Davis for reasons similar to those set forth above with reference to Claim 10, and Mizoguchi fails to overcome the deficiencies of Liu/Wood/Levy.

#### Rejections over Liu/Wood/Levy and Meeks and Levy

Claim 48 is rejected under 35 USC 103(a) as being unpatentable over Liu/Wood/Levy in view of Meeks (US Patent No. 6,268,919) and Levy (US Patent No. 4,884,507).

Claim 48 depends from Claim 10, and is believed to be distinguished over Liu/Wood/Levy for reasons similar to those set forth above with reference to Claim 10, and Meeks fails to overcome the deficiencies of Liu/Wood/Levy.

#### Rejections over Liu/Wood/Levy and Foley and Levy

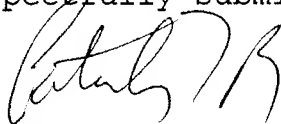
Claim 50 is rejected under 35 USC 103(a) as being unpatentable over Liu/Wood/Levy in view of Foley (US Patent No. 4,518,627) and Levy (US Patent No. 4,884,507).

Claim 50 depends from Claim 10, and is believed to be distinguished over Liu/Wood/Levy for reasons similar to those set forth above with reference to Claim 10, and Foley fails to overcome the deficiencies of Liu/Wood/Levy.

CONCLUSION

For the above reasons, Applicants believe Claims 1, 4-10, 16, 17, 19, 21-30, 38, and 47-50 are believed to be in condition for allowance. Should the Examiner have any questions regarding the present paper, the Examiner is invited to contact the undersigned attorney at the number provided below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patrick T. Bever". The signature is stylized with a large, looped "P" and a long, sweeping "B".

Customer No. 022888

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